

**Senate File 2047 - Introduced**

SENATE FILE 2047

BY ERNST

**A BILL FOR**

1 An Act relating to membership qualifications for city  
2 commissions for areas of historical significance.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 303.34, subsection 3, Code 2011, is  
2 amended to read as follows:

3 3. A city may provide by ordinance for the establishment of  
4 a commission to deal with matters involving areas of historical  
5 significance but shall provide by ordinance for such commission  
6 upon the enactment of the ordinance designating an area as  
7 an area of historical significance as required in subsection  
8 4. Upon the establishment of the commission the city shall  
9 provide by ordinance for the method of appointment, the number,  
10 and terms, of members of the commission and for the duties  
11 and powers of the commission. The commission shall contain  
12 not less than three members. The members of the commission  
13 shall be appointed with due regard to proper representation of  
14 residents and property owners of the city and their relevant  
15 fields of knowledge including but not limited to history,  
16 urban planning, architecture, archaeology, law, and sociology.  
17 At least one resident of each designated area of historical  
18 significance shall be appointed to the commission. One member  
19 of the commission may be appointed who is not a resident  
20 or property owner of the city if that member meets certain  
21 professional qualification standards which shall be defined by  
22 rule of the department. Cities with a population of more than  
23 fifty thousand shall not appoint more than one-third of the  
24 members to the commission of an area of historical significance  
25 that are members of a city zoning commission appointed pursuant  
26 to chapter 414. The commission shall have the power to approve  
27 or deny applications for proposed alterations to exterior  
28 features within an area designated as an area of historical  
29 significance. An aggrieved party may appeal the commission's  
30 action to the governing body of the city. If not satisfied by  
31 the decision of the governing body, the party may appeal within  
32 sixty days of the governing body's decision to the district  
33 court for the county in which the designated area is located.  
34 On appeal the governing body or the district court as the case  
35 may be shall consider whether the commission has exercised its

1 powers and followed the guidelines established by the law and  
2 ordinance, and whether the commission's action was patently  
3 arbitrary or capricious.

4

EXPLANATION

5 This bill allows for a city with a commission for areas of  
6 historical significance to appoint one member to the commission  
7 who is not a city resident or property owner if that member  
8 meets certain professional qualification standards. The bill  
9 provides that the professional qualification standards shall be  
10 defined by rule of the department of cultural affairs.